

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>3/25/14</u>

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA

: (S)1 09-cr-1058 (KMW)

:
:
-Against- :

DAVID RUBIN *et al.*,

: **ORDER RELEASING
RESTRAINING NOTICE**

Defendants :

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KIMBA M. WOOD, United States District Judge.

WHEREAS, on July 15, 2012, David Rubin entered into an Amended Plea Agreement (hereafter the "Amended Agreement") with the United States Department of Justice, Antitrust Division, wherein he agreed to segregate personal property and conditionally forfeit his right to such property pending his sentence and the sentence of his co-defendant, Rubin/Chambers, Dunhill Insurance Services, Inc. dba Chambers, Dunhill, Rubin & Co. and CDR Financial Products, Inc. (collectively "CDR") for pleas of guilty in this proceeding; and

WHEREAS, by Order and Restraining Notice dated July 16, 2012 issued by the Honorable Victor Marrero in the Southern District of New York (the "7/16/12 Order and Restraining Notice") certain assets were restrained as required by the Amended Plea Agreement, to wit: (a) any funds contained in the Merrill Lunch Wealth Management account, Account number 203-44501, held in the name of David and Gail Rubin; (b) the real property known as 138 South Detroit Street, Los Angeles, California 90036 held in the name of David and Gail Rubin; and (c) the Alerus Retirement Solutions 401(K) plan, account number C322673-001834-0 of Plain number 660634, held in the name of David Rubin (collectively the "Restitution/Fine Property"); and

WHEREAS, on March 12, 2014, David Rubin and CDR were sentenced in the Southern District of New York and David Rubin, as a condition of his sentence, was ordered to pay fines of \$3,500,000 and restitution in the amount of \$1,143,059.93 (hereafter the "Restitution/Fine Obligations");

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

- (1) The 7/16/12 Order and Restraining Notice is hereby and hereinafter lifted and no longer in force or in effect;
- (2) The Restitution/Fine Property may now be transferred, sold, pledged, hypothecated or otherwise encumbered or disposed of in any manner by David Rubin in order to effectuate the satisfaction of the Restitution/Fine Obligations imposed upon David Rubin in his federal sentence;
- (3) All persons and entities having custody or control over any of the Restitution/Fine Property shall release the same to David Rubin upon his request for the same;
- (4) This Order may be served by hand delivery, fax, mail through the U.S. mails, or by private commercial courier. Service of this Order upon the financial entities referenced above and upon the Recorder of Property for Los Angeles County will be performed by counsel for David Rubin within two weeks after this Order is signed, with copy to the Antitrust Division.

SO ORDERED:

March 25, 2014

Kimba M. Wood

HON. KIMBA M. WOOD
United States District Judge
Southern District of New York